

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE RESOLUTION NO. R9-2005-0262

Item No. 11
Doc. No. 1

SUPPLEMENTAL ENVIRONMENTAL PROJECT
ESCONDIDO CREEK WATERSHED
INVASIVE SPECIES/EROSION CONTROL PROGRAM – STORMWATER SEP

JRMC REAL ESTATE, INC. AND CITY OF ESCONDIDO
PURSUANT TO
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2005-0237

Whereas, on September 14, 2005 the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Administrative Civil Liability (ACL) Order No. R9-2005-0237 for \$1.25 million to JRMC Real Estate, Inc. (hereafter JRMC) and the City of Escondido. The Regional Board found that JRMC violated State Water Resources Control Board Order No. 99-08-DWQ for 93 days of sediment discharges to Escondido Creek, 217 days of inadequate Best Management Practices (BMPs), and 16 days of failing to assess BMPs, monitor storm water runoff and report results pursuant to Cleanup and Abatement Order No. R9-2004-0420 from the Escondido Research and Technology Center (ERTC) development. In addition, the Regional Board found that the City of Escondido violated Order No. 2001-01 for 481 days for failing to reduced the pollutant discharges from JRMC's construction activity into City's MS4 to the Maximum Extent Practicable (MEP) performance standard; and

Whereas, ACL Order No. R9-2005-0237 allows JRMC to satisfy up to \$200,000 of liability, and the City of Escondido to satisfy up to \$25,000 of liability by proposing a Supplemental Environmental Project (SEP) that the Regional Board considers and approves by December 14, 2005; and

Whereas, on November 9, 2005 JRMC and the City of Escondido submitted a \$225,000 SEP entitled "Escondido Creek Watershed Invasive Species/Erosion Control Program (ISECP) – Stormwater SEP" to the Regional Board for consideration; and

Whereas, on November 10, 2005 JRMC noticed the public of the Regional Board's consideration of the SEP in the North County Times newspaper at the December 14, 2005 Regional Board Meeting, and no comments were received during the 30-day public comment period.

THEREFORE BE IT RESOLVED, that the California Regional Water Quality Control Board, San Diego Region, approves of JRMC Real Estate, Inc. directing \$200,000, and the City of Escondido directing \$25,000 into the "Escondido Creek Watershed Invasive Species/Erosion Control Program (ISECP) – Stormwater SEP" in satisfaction of \$225,000 of liability under Administrative Civil Liability Order No. R9-2005-0237.

This Resolution was adopted by the California Regional Water Quality Control Board, San Diego Region on December 14, 2005.

Tentative
JOHN H. ROBERTUS
Executive Officer